

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRENT BOYD, MARGENE ADKINS, FRED ANDERSON, CHARLES ANTHONY, LIONEL ANTOINE, HARVEY ARMSTRONG, MIKE AUGUSTYNIAK, JEFF BARNES, LEMUEL BARNEY, THOMAS BEER, ROBERT BELL, MELVIN CARVER, REGINALD CLARK, WILLIAM "BILL" CODY, MARK COOPER, MARK COTNEY, NEAL CRAIG, PETER CRONAN, CRAIG CURRY, MICHAEL "TONY" DAVIS, JOE DELAMIELLEURE, CONRAD DOBLER, KENNETH EASLEY, JR., KEN FANTETTI, LEE FOLKINS, FRED FORSBURG, PHILLIP FREEMAN III, JOE FERGUSON, JR., DERRICK GAFFNEY, JAMES GARCIA, DONNIE GREEN, WILLIE GREEN, ALFRED GROSS, BOBBY HARDEN, JR., CEDRICK HARDMAN, DENNIS HARRAH, CHARLEY HARRAWAY, JAMES HARRELL, CLIFF HARRIS, VICTOR HICKS, DON HORN, JAMES HOUGH, DELLES HOWELL, BRAD JACKSON, CALVIN JACKSON, J. BRUCE JARVIS, LEON "RAY" JARVIS, NOEL JENKE, OLRICK JOHNSON, JR., TROY JOHNSON, TRUMAINE JOHNSON, AARON JONES II, JAMES JONES, STEVE JONES, JOSEPH KAPP, MARK KONAR, MERVIN KRAKAU, PAUL KRAUSE, ROBERT KROLL, CHARLES KRUEGER, BRUCE LAIRD, MACARTHUR LANE, GENE LANG, PETER LAZETICH, ESTATE OF GREGORY LENS, DONALD MACEK, DONALD MANOUKIAN, ROD MARTIN, IRA MATTHEWS III, LEONARD "BUBBA" MCDOWELL JR., JEFF MCINTYRE, DENNIS MCKNIGHT, JON MELANDER, MICHAEL MERRIWEATHER, TERRANCE "TERRY" METCALF, CALEB MILLER, KORY MINOR, DERLAND MOORE, MICHAEL MORTON, CHARLES MYRTLE, MARK NICHOLS, TOMMY NOBIS, KEITH NORD, AUGUST "GUS" OTTO, TERRY OWENS, GARY PADJEN, RANDY RAGON, DAVID RECHER, JERRY ROBINSON, RICK SANFORD, WILLIAM "BILLY" SHIELDS, FRED SMERLAS, CHARLIE SMITH, ARTHUR STILL, BRYAN STOLTENBERG, WILLIAM "BILLY"

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMANDED

TRUAX, CLARENCE VERDIN, PHIL
VILLAPIANO, JEFFREY WALKER,
LARRY WEBSTER, MICHAEL
WEDDINGTON, EDWARD WHITE, JAMES
WILLIAMS, MIKE WOOD, LARRY
WOODS, MARVIN WOODSON,

PLAINTIFFS,

V.

NATIONAL FOOTBALL LEAGUE, and NFL
PROPERTIES LLC,

DEFENDANTS.

TABLE OF CONTENTS

INTRODUCTION	1
JURISDICTION AND VENUE	1
THE PARTIES	1
MASS ACTION AND JOINDER ALLEGATIONS	37
NATURE OF NFL’S BUSINESS	37
FACTUAL ALLEGATIONS	40
A. The Scientific Evidence On Concussions And Head Injuries And The NFL’s Responses To It.	40
B. Riddell’s Participation With The NFL In Misrepresenting The Risk Of Repeated Head Impacts.....	82
C. The NFL’s Retirement Plan And Other Benefit Plans For Retired NFL Players And How They Are Inadequate.....	83
COUNT I	89
Action For Declaratory Relief	89
COUNT II.....	89
Action For Negligence.....	89
COUNT III.....	92
Action For Fraud.....	92
COUNT IV	93
Fraudulent Concealment.....	93
COUNT V	94
Action for Loss of Consortium	94
PRAYER FOR RELIEF	95
DEMAND FOR JURY TRIAL	95

INTRODUCTION

1. This action is brought to seek declaratory relief and damages related to the Defendants' tortious misconduct and voluntary undertaking with regard to the health effects of repeated head impacts, and the injuries consequently suffered by the Plaintiffs who are former National Football League ("NFL" or "League") players. The injuries include sequelae of the concussions and repeated head impacts suffered by the Plaintiffs during their play in the NFL, including traumatic brain injuries and latent neurodegenerative disorders and diseases. The allegations herein, except as to the Plaintiffs themselves, are based on information and belief.

JURISDICTION AND VENUE

2. Jurisdiction is based on 28 U.S.C. § 1332(a)(1), and (b); and 28 U.S.C. § 1332(d)(11). All of the Plaintiffs and all of the Defendants are citizens of different states. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs, for each Plaintiff. The amount in controversy for all Plaintiffs in this mass action exceeds \$5,000,000.00, exclusive of interest and costs. This matter can be tried jointly in that the Plaintiffs' claims involve common questions of law or fact.

3. This Court has personal jurisdiction over the Defendants because they have substantial and continuous business contacts in the Commonwealth of Pennsylvania.

4. Venue is proper pursuant to 28 U.S.C. § 1391(a)(2), and 28 U.S.C. § 1391(b)(2), as a substantial part of the events and omissions giving rise to the claims occurred in this judicial district.

THE PARTIES

5. Plaintiff Brent Boyd ("Boyd") is 54 years old and he resides with his wife in Reno, Nevada. He was an NFL offensive guard who played with the Minnesota Vikings

(1980-86). He has been diagnosed with Chronic Traumatic Encephalopathy (“CTE”). Boyd was one of a handful of former NFL players who testified before the Judiciary Subcommittee of the United States House of Representatives on June 26, 2007, concerning concussions in the NFL. He founded the NFL retired player advocacy group Dignity After Football. Boyd suffered repeated and chronic head impacts during his career in the NFL and as a result, has experienced cognitive difficulties including, but not limited to CTE, headaches, dizziness, loss of memory, suicidal thoughts, fatigue, depression, temporary blindness, and vertigo.

6. Plaintiff Margene Adkins (“Adkins”) is 64 years old and resides with his wife in Fort Worth, Texas. He was an NFL wide receiver for the Dallas Cowboys (1970-71), the New Orleans Saints (1972), and the New York Jets (1973). Adkins suffered repeated and chronic head impacts during his career in the NFL and is at an increased risk of latent brain disease. As a result, Adkins has experienced cognitive difficulties including, but not limited to headaches, dizziness, and loss of memory.

7. Plaintiff Fred Anderson (“Anderson”) is 56 years old and resides with his wife in Kirkland, Washington. He was an NFL defensive end for the Pittsburgh Steelers (1978-79), and the Seattle Seahawks (1980-82). Anderson suffered repeated and chronic head impacts during his career in the NFL and is at an increased risk of latent brain disease. As a result, Anderson has experienced cognitive difficulties including, but not limited to headaches, dizziness, loss of memory, impulse control problems, depression, suicidal thoughts, fatigue, sleep problems, irritability, neck and cervical arthritis and associated numbness/tingling.

8. Plaintiff Charles Anthony (“Anthony”) is 59 years old and resides in Fremont, California. He was an NFL line backer for the San Diego Chargers (1974). Anthony suffered repeated and chronic head impacts during his career in the NFL and is at an increased

risk of latent brain disease. As a result, Anthony has experienced cognitive difficulties including, but not limited to headaches, dizziness, loss of memory, dementia, depression, fatigue, sleep problems, irritability, neck and cervical arthritis and associated numbness/tingling.

9. Plaintiff Lionel Antoine (“Antoine”) is 61 years old and resides in Biloxi, Mississippi. He was an NFL offensive tackle for the Chicago Bears (1972-78). Antoine suffered repeated and chronic head impacts during his career in the NFL and is at an increased risk of latent brain disease. As a result, Antoine has experienced cognitive difficulties including, but not limited to headaches, dizziness, loss of memory, depression, suicidal thoughts, sleep problems, irritability, neck and cervical arthritis and associated numbness/tingling.

10. Plaintiff Harvey Armstrong (“Armstrong”) is 51 years old and resides in Norcross, Georgia. He was an NFL nose tackle who played for the Philadelphia Eagles (1982-84), and the Indianapolis Colts (1986-90). Armstrong suffered repeated and chronic head impacts during his career in the NFL and is at an increased risk of latent brain disease. As a result, Armstrong has experienced cognitive difficulties including, but not limited to headaches, dizziness, loss of memory, impulse control problems, neurological disorder, depression, suicidal thoughts, fatigue, sleep problems, irritability, neck and cervical spine arthritis and associated numbness/tingling.

11. Plaintiff Mike Augustyniak (“Augustyniak”) is 55 years old and resides in St. Johns, Florida. He was an NFL running back who played for the New Orleans Saints (1980), and the New York Jets (1981-84). Augustyniak suffered repeated and chronic head impacts during his career in the NFL and is at an increased risk of latent brain disease. As a result, Augustyniak has experienced cognitive difficulties including, but not limited to headaches,